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*Intellectual Property Practice*

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Date: May 21, 2004

To: Office of Publications  
Examiner James J. Leybourne  
Art Unit: 2881

Fax No.: 703-872-9306

From: Stephen P. Burr

Subject: U.S. Application Ser. No. 10/606,485  
Filed: June 26, 2003  
Conf. No.: 5643  
Title: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS EVALUATION METHOD

Our Ref.: 782\_231

You should receive 9 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following paper(s) is/are being facsimile transmitted to 703-872-9306 at the Patent and Trademark Office on May 21, 2004:

- Request For Acknowledgment of Receipt and Consideration of Information Disclosure Statement \_1\_ page
- Courtesy copy of the Information Disclosure Statement filed March 29, 2004, including copies of the Form PTO-1449, postcard receipt and Express Mail receipt \_7\_ pages
- This Cover Sheet \_1\_ page

Total Pages

9

  
Melissa T. Kuczynski

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**BURR & BROWN**

Practitioner's Docket No.: 782\_231

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

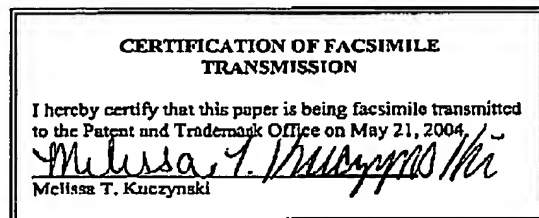
In re the application of: Yasuharu SHIRAI and Hideki ARAKI

Ser. No.: 10/606,485

Group Art Unit: 2881

Filed: June 26, 2003

Examiner: James J. Leybourne

For: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS  
EVALUATION METHODDate of mailing of PTOL 85 entitled "Notice of Allowance  
and Base Issue Fee Due" May 18, 2004Mail Stop Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**REQUEST FOR ACKNOWLEDGMENT OF RECEIPT AND CONSIDERATION OF  
INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants respectfully request the U.S. Patent and Trademark Office to return an initialed copy of the PTO-1449 filed with Information Disclosure Statement on March 29, 2004, as acknowledgment of receipt and consideration thereof. A courtesy copy of the PTO-1449 and Information Disclosure Statement as well as our postcard receipt, are enclosed.

Should additional copies of the references cited in the Information Disclosure Statement be required, the appropriate Patent and Trademark Office official is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

May 21, 2004

Date

  
\_\_\_\_\_  
Stephen P. Burr  
Reg. No. 32,970

SPB/mtk

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068Customer No.: 25191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320

Your mail room stamp hereon will acknowledge receipt of:

1. A Transmittal of Information Disclosure Statement under 37 CFR §1.97(c) (in duplicate)
2. A Certification under 37 CFR §1.97(d)
3. Information Disclosure Statement
4. Form PTO-1449
5. References AA-AD



JS

Applicant(s): Yasuharu SHIRAI and Hideki ARAKI  
 Ser. No.: 10/606,485  
 Date Filed: June 26, 2003  
 Our Docket No. 782\_231  
 Conf. No.: 5643  
 Title: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS EVALUATION METHOD

Art Unit: 2881

Examiner: James J. Leybourne  
 SPB/eav

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Practitioner's Docket No.: 782\_231

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Yasuharu SHIRAI and Hideki ARAKI

Ser. No.: 10/606,485

Art Unit: 2881

Filed: June 26, 2003

Examiner: James J. Leybourne

Confirmation No.: 5643

For: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS  
EVALUATION METHODCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 29, 2004 under "EXPRESS MAIL" mailing label number EL 994436370 US.

*Elizabeth A. VanAntwerp*  
Elizabeth A. VanAntwerp

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(e)TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:
  - (1) a final action under §1.113,
  - (2) a notice of allowance under §1.311 or
  - (3) an Office Action that closes prosecution.

## STATEMENT OR SUBMISSION FEE

2. Accompanying this transmittal is

A. ☒ a statement as specified in 37 CFR §1.97(e).

OR

B. ☐ the submission fee set forth in 37 CFR §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

Fee due: \$00.00

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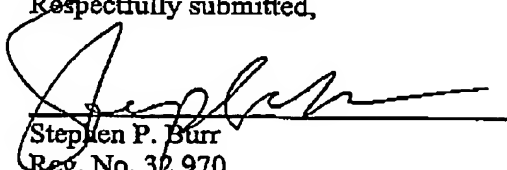
**METHOD OF PAYMENT OF FEE**

3. ☐ Attached is a check in the amount of \$\_\_\_\_\_.  
☐ Charge Account No. 50-1446 in the amount of \$\_\_\_\_\_. A duplicate of this request is attached.
4. ☒ If any additional fees are due, please charge Deposit Account 50-1446.

Respectfully submitted,

March 29, 2004

Date

  
Stephen P. Burr  
Reg. No. 32,970

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Practitioner's Docket No.: 782\_231

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Yasuharu SHIRAI and Hideki ARAKI

Serial No.: 10/606,485

Art Unit: 2881

Filed: June 26, 2003

Examiner: James J. Leybourne

Confirmation No.: 5643

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EVALUATION METHODCommissioner for Patents  
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Elizabeth A. VanAntwerpCERTIFICATION UNDER 37 CFR §1.97(e)

Sir:

[X] Each item of information contained in the Information Disclosure Statement filed herewith was *first* cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

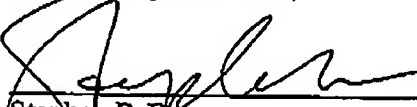
OR

[ ] No item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

March 29, 2004

Date

  
Stephen P. Burr  
Reg. No. 32,970**COPY**

SPB/eav

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Facsimile: (315) 233-8320

Practitioner's Docket No.: 782\_231

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Yasuharu SHIRAI and Hideki ARAKI

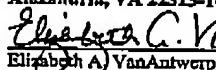
Ser. No.: 10/606,485

Art Unit: 2881

Filed: June 26, 2003

Examiner: James J. Leybourne

Confirmation No.: 5643

For: MATERIAL DEFECT EVALUATION APPARATUS USING POSITRON AND ITS  
EVALUATION METHODCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**"EXPRESS MAIL"** mailing label number EL 994436370 US.I hereby certify that this paper or fee is being deposited on *March 29, 2004* with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Elizabeth A. VanAntwerp**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. Copies of each of the references listed on Form PTO-1449 are attached.

Also enclosed is a copy of a European Search Report bearing a mailing date of March 10, 2004 from a corresponding European patent application, and the U.S. PTO is directed thereto for a concise statement of possible relevance of the references cited therein.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of

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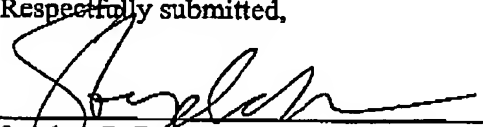
this application, and that these references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

March 29, 2004

Date

  
Stephen P. Burr  
Reg. No. 32,970

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Form PTO-1449 US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<b>Complete if Known</b>		
				Application Number	10/606,485	
				Filing Date	June 26, 2003	
				First Named Inventor	Yasuharu SHIRAI	
				Art Unit	2881	
				Examiner Name	James J. Leybourne	
Confirmation No.				5643		
Sheet	1	of	1	Attorney Docket No.		782_231

## U.S. PATENT DOCUMENTS

Exam. Initial		Document Number	Date	Name	Our Docket No.	Class	Sub Class	Filing Date
	AA	2002/0030160 A1	03-14-2002	Greaves, Roderick G.				

## U.S. COPENDING APPLICATIONS

Exam. Initial		Application/ Publication Number	Filing/ Publication Date	Inventor Name	Our Docket No.	Class	Sub Class

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation	Abstract
	AB	2001-116706 A1	04-27-2001	JP			JPO Machine Translation	✓
	AC	05-288694 A1	11-02-1993	JP			JPO Machine Translation	✓

## OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages etc.)

**COPY**

	AD	Barbieri, et. al., "Nondestructive Positron-Lifetime Measurements During Fatigue of Austenitic Stainless Steel Using a Mobile Positron Beam," Applied Physics Letters, American Institute of Physics., NY, Vol. 77, No. 12, 18 September 2000, pages 1911-1913, XP000964231.

Examiner:		Date Considered:	
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